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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,048	07/23/2003	Ben Saidi	020728	1441

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

DAFTUAR, SAKET K

ART UNIT	PAPER NUMBER
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2151

NOTIFICATION DATE	DELIVERY MODE
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01/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/626,048

Applicant(s)

SAIDI ET AL.

Examiner

Saket K. Daftuar

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 27, 29, 31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 27, 29, 31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is responsive to the amendment filed on November 26th, 2007. Claims -25, 27, 29, 31 and 33-36 are presented for the further examination.

Response to Arguments

2. Applicant's arguments filed November 26th, 2007 have been fully considered but they are not persuasive. As per arguments filed on November 26th, 2007, applicant argues in substance that:

- a. Yao does not determine whether any given frame is silence frame to determine whether to drop that particular packet, but rather determines whether to drop packets at a first or second fixed drop rate.

In response to applicant argument a), Yao discloses dropping data frames at predetermined time intervals or frames are dropped on a continuous basis and briefly discloses that data frames are dropped by processor at a predetermined, fixed rate (see column 10, line 55 - column 12, line 50). Yao discloses determining communication channel quality and improving channel quality by measuring channel error rates, decreasing channel error rate, dropping silence frame at predetermined rate, and improving latency. One having ordinary skill in the art would recognize improving channel quality and latency would be possible with/by determining number of silence frames and Yao clearly discloses that dropping silence frame at rate of 1 frame dropped per hundred frames (see column 10, line 55 – column 12, line 50). Therefore, applicant arguments that

Yao failed to determine whether any given frame is silence frame to determine whether to drop that particular packet are not persuasive..

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-25, 27, 29, 31 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Yao et al. U.S. Patent Number 6,785,262 B1 (hereinafter Yao).

As per claim 1, Yao discloses requesting a group call at a first communication device (see column 2, lines 58-60; column 7, line 40 – column 8, line 29); receiving a stream of media from the first communication device wherein said stream of media comprises of one or more silence frames; (see column 3, lines 20-21; column 8, line 63 – column 9, line 15 and column 12, lines 14- 30); and automatically suppressing the one or more silence frames from the received stream of media (see column 3, lines 53-58 ;column 8, line 63 – column 9, line 15 and column 12, lines 14- 30).

As per claim 2, Yao discloses said suppressing includes suppressing an initial silence frame situated before a first media frame (see column 4, lines 8-40).

As per claim 3, Yao discloses said suppressing includes suppressing all initial silence frames situated before a first media frame (see column 4, lines 8-40).

As per claim 4, Yao discloses said suppressing includes suppressing a silence frame situated between two successive media frames (see column 4, lines 8-40).

As per claim 5, Yao discloses said suppressing a silence frame includes suppressing the silence frame that is in excess of a predetermined number of silence frames situated between the two successive media frames (see column 4, lines 8-40).

As per claim 6, Yao discloses said suppressing the silence frame includes suppressing the silence frame that follows a first predetermined number of silence frame following a first media frame and precedes a second predetermined number of silence frame proceeding a media frame subsequent to the first media frame (see column 4, lines 15-25).

As per claim 7, Yao discloses requesting a group call at a first communication device (see column 2, lines 58-60; column 7, line 40 – column 8, line 29); receiving a stream of media from the first communication device wherein said stream of media comprises of one or more silence frames; (see column 3,

lines 20-21; column 8, line 63 – column 9, line 15 and column 12, lines 14- 30); and automatically suppressing the one or more silence frames from the received stream of media (see column 3, lines 53-58 ;column 8, line 63 – column 9, line 15 and column 12, lines 14- 30).

As per claims 8-12, claims 8-12 are computer readable medium of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 8-12 are rejected for the same reasons set forth in claim 2-6, supra.

As per claims 13-18, claims 13-18 are an apparatus claim of method claims 1-6, respectively. They do not teach or further define the limitations recited in claim 1-6, respectively. Therefore, claims 13-18 are rejected for the same reasons set forth in claim 1-6, supra.

As per claim 19, Yao discloses a receiver capable of receiving information (see column 3, lines 20-21); a transmitter capable of transmitting information (see column 3, lines 3-4); and a processor (see column 3, lines 12-15) for automatically suppressing silence frames in a stream of media, the method comprising: receiving a stream of media from a user (see column 3, lines 20-21); and the silence frames from the received stream of media is suppressed (see column 3, lines 53-58).

As per claims 20-24, claims 20-24 are an apparatus claim of method claims 2-6, respectively. They do not teach or further define the limitations recited

in claim 2-6, respectively. Therefore, claims 20-24 are rejected for the same reasons set forth in claim 2-6, supra

As per claim 25, Yao discloses buffering and then forwarding the suppressed stream of media (see column 12, lines 14 – 29, buffering taking place at receiver buffer before transmitting the frames based upon receiver buffer underflow or overflow conditions).

As per claims 27 and 29, claims 27 and 29 do not teach or further define over the limitation as recited in claim 25. Therefore, claims 27 and 29 are rejected under same scopes as discussed in claim 25, supra.

As per claim 33, Yao discloses determining whether the stream of media includes one or more silence frame between successive media frames of the stream of media, each media frame including data; and wherein the one or more silence frames are suppressed based on the determining step (see column 10, line 55 - column 12, line 50).

As per claims 34-36, they do not teach or further define over the limitation as recited in claim 33. Therefore, claim 34-36 are rejected under same scope as discussed in claim 33, supra.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKD

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100